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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 29th July, 1966:—

BILL No. 45 of 1966

A bill further to amend the Constitution of India.

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1966. Short title.
2. In article 37 of the Constitution, after the words "this Part", Amend-
the words "except those contained in articles 45 and 47" shall be ment of
inserted. article
37.

Amend-
ment of
article
45.

3. In article 45 of the Constitution, for the words "The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution," the words "It shall be the duty of the State to provide, with effect from 26th January, 1968," shall be substituted.

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Substi-
tution of
new
article
for
article
47.

4. For article 47 of the Constitution, the following article shall be substituted, namely:—

"47. It shall be the duty of the State to ensure to every citizen a minimum standard of nutrition and, in particular, to prevent untimely deaths resulting from mal-nutrition, under- 10
nourishment or starvation."

—————

STATEMENT OF OBJECTS AND REASONS

The late Gopal Krishna Gokhale sponsored a resolution and a Bill on free and compulsory primary education by stages as far back as the first decade of this century. Since then provision of free schooling for children has been a principal objective of the freedom movement in India. This cherished ideal of our independence movement found expression in article 45 of the Constitution relating to Directive Principles of State Policy. The Constitution-makers had then expressed the hope that the ideal of free and compulsory schooling for children will be realized within 10 years after the commencement of the Constitution. It is now more than 16 years after the Constitution came into force and yet, in large parts of the country, free and compulsory primary education remains an unrealized dream. The State Governments are displaying utter indifference and callousness in implementing a principle basic to all civilized communities. In India's biggest city, Calcutta, nearly 50 per cent of the children below the age of 14 are going without any schooling whatsoever and the State and the Municipal Corporation have so far done nothing in the matter. In other areas, too, the position is far from being satisfactory.

Unless the citizens of this country are given legal and constitutional remedy and unless the courts are empowered to enforce free and compulsory education and performance by the State of its duty to feed the people, these ideals will never be realised. Therefore, the Bill seeks to fix this responsibility squarely on the State and make provisions relating to primary education and the basic necessity of human life, namely, minimum nutrition, justiciable.

NEW DELHI;
The 27th May, 1966.

MADHU LIMAYE.

FINANCIAL MEMORANDUM

The amounts involved in the proposed measure would be large and, for obvious reasons, cannot be calculated with any precision at this stage. But it would be in the neighbourhood of a few billion rupees for enforcement of free, primary education.

BILL No. 41 OF 1966

A bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1966. Short title.

5 of 1898. 5 2. Section 107 of the Code of Criminal Procedure, 1898 shall be omitted. Omission of section 107.

5 of 1898. 3. Section 109 of the Code of Criminal Procedure, 1898 shall be omitted. Omission of section 109.

STATEMENT OF OBJECTS AND REASONS

Sections 107 and 109 of the existing Code of Criminal Procedure, 1898 have become an instrument of oppression in the hands of the local police. It is a disgrace that such repressive provisions should be allowed to remain on the statute book of a country which claims to be the leading democracy of Asia and the largest democracy in the world. In a country where unemployment is mounting and where the number of those unemployed has reached the staggering figure of 120 million, any one of these can be hauled up on the ground that he has no "ostensible" means of livelihood. Complaints are often being heard of innocent people being harassed by the local police officials and unsocial elements who are in league with them, under these sections. The omission of these two sections will come as a great boon to the common people and will enable them to have a *feel* of democracy and freedom.

NEW DELHI;
The 27th May, 1966.

MADHU LIMAYE.

BILL No. 40 OF 1966

A bill to repeal the Criminal Law Amendment Act, 1932.

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Criminal Law Amendment (Repeal) Act, 1966. Short
title.

5 2. The Criminal Law Amendment Act, 1932 is hereby repealed. Repeal
of Act
23 of 1932.

STATEMENT OF OBJECTS AND REASONS

The Criminal Law Amendment Act, 1932 was a special repressive measure devised by the British imperialist Government in 1932 to suppress the freedom movement. It was then denounced by all nationalist leaders as a "black law" and a measure inconsistent with the principles of democracy and freedom. It was expected that the Congress Government, with its anti-imperialist traditions, would take steps to repeal the Act or at least would allow it to remain on the statute book without making use of it in practice. Unfortunately, the Act has not only not been repealed but has often been used against the peoples' movement ever since the first Congress Ministry came into power in Madras and other States in 1937. Since the main provision of this Act puts an intolerable curb on civil liberty, it is necessary to remove it from the statute book.

NEW DELHI;

MADHU LIMAYE.

The 27th May, 1966.

BILL No. 44 OF 1966

A bill to encourage trade unionism among the employees and to provide for collective bargaining between the employers and representative trade unions of employees.

BE it enacted by Parliament in the Seventeenth year of the Republic of India as follows:—

- | | | |
|----|---|---|
| 1. | (1) This Act may be called the Recognition of Trade Unions Act, 1966. | Short
title and
com-
mence-
ment. |
| 5 | (2) It shall come into force at once. | |
| 2. | There shall be set up under this Act a Trade Union Authority by each appropriate Government consisting of one or three non-official persons with wide experience of industrial relations. | Trade
Union
Authority. |

Defini-
tions.

3. In this Act, unless the context otherwise requires,—

- (a) "appropriate Government" means, in relation to trade unions whose objects are not confined to one State, the Central Government, and in relation to other trade unions, the State Government; 5
- (b) "employer" means—
 - (i) in relation to an industry carried on by or under the authority of any department of the Central Government or a State Government, the authority prescribed in this behalf or where no authority is prescribed, the 10 head of the department concerned;
 - (ii) in relation to an industry carried on on behalf of a local authority, the Chief Executive Officer of that authority; and
 - (iii) in private industry, any employer or association of 15 employers;
- (c) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation 20 or avocation of workmen.

Explanation.—For the purposes of recognition, "industry" may mean either a single industrial establishment or all the industrial establishments in a particular local area to be defined by the appropriate Government provided that the total number of employees engaged in the establishment or in the industry in the local area is 25 at least fifty.

Recogni-
tion of
Trade
Unions.

4. Any trade union registered under the Indian Trade Unions Act, 1926, shall be entitled to apply to the Trade Union Authority 16 of 1926. set up under this Act for recognition as the sole bargaining agent of the employees in a particular industry subject to the following con- 30 ditions:—

- (a) that it has a minimum membership of 15 per cent of the total number of employees engaged in that industry;
- (b) that among the various trade unions in that industry it enjoys the support of the largest number of employees in 35 that industry;
- (c) that it holds its annual elections democratically and in such a manner that the interval between any two elections is not more than 15 months;

- (d) that its managing committee meets at least once in three months;
- (e) that its membership is open to all employees in the industry concerned;
- 5 (f) that it has a minimum membership fee of one rupee per month;
- (g) that its constitution has a mandatory provision for the holding of a ballot for declaring a strike and for collecting a strike fund before a strike is undertaken.
- 10 5. On receipt of the application for recognition, the Trade Union Authority shall ascertain whether the union has complied with all the conditions laid down in section 4 and, after satisfying itself, grant the union a certificate of recognition for that particular industry and, in case there is more than one union which has complied with the
- 15 conditions, to the union which has the largest membership in that industry.
- 20 6. If the difference in the membership of the two largest unions applying for recognition is less than 5 per cent. of the total membership of the union held to be the largest by the Authority, it shall be open to the other union to ask for a ballot for settling the question of their representative character.
- 25 7. The ballot shall be held by the Trade Union Authority within a reasonable time and all employees who have not opted out from trade union membership under this Act shall be entitled to vote in the ballot.
- 30 8. The trade union subscription, which shall be at least one rupee per month but may be upto 1 per cent. of the net monthly earnings of an employee, shall be deducted by the management from his salary and the proceeds thereof paid to the union of the employee's own choice:
- Subscription for Trade Union membership.
- Provided that at least 5 per cent. of the employees of the organisation are members of that union:
- Provided further that the subscription of the employees who have informed the appropriate Government of their decision to opt out
- 35 from trade union membership shall not be so deducted.
9. The recognition of a trade union shall be for a period of two years unless withdrawn earlier by the Trade Union Authority for violation of any of the conditions mentioned in section 4.
- Period of recognition.

Renewal
of recog-
nition.

10. The recognition may be renewed if it is found by the Trade Union Authority that the union continues to comply with all the conditions mentioned in sections 4 and 5.

Recognis-
ed Trade
Union to
negotiate
with em-
ployers.

11. The recognised trade union shall be entitled to negotiate with the employers in respect of all matters connected with the employ- 5
ment or non-employment or the problems of the employment or the
conditions of labour of an area in all its particulars and the employers
shall not refuse to reply to letters sent by the said trade union or to
hold discussions with the representatives of that union within a
reasonable time on a representation being made by that union. 10

STATEMENT OF OBJECTS AND REASONS

After a century of industrial growth, the condition of the trade union movement in this country is very anaemic. There are divisions within the ranks of the working class, the membership of trade unions is small, subscriptions low and their financial base very weak. There are interminable disputes among the rival unions about their representative character. Loud protests are daily being voiced against the refusal by the employers, including managements in the public sector and also Government departments, to extend recognition to trade unions and treat them as sole bargaining agents for particular industries. This Bill seeks to provide for the compulsory recognition of unions as the sole bargaining agent provided they fulfil certain specified conditions. In case of dispute, it also provides for settling the question of the representative character of rival unions through ballot. The provisions of the Bill are designed to encourage healthy trade unionism in the country.

NEW DELHI;

MADHU LIMAYE

The 27th May, 1966.

FINANCIAL MEMORANDUM

The expenditure on each Trade Union Authority envisaged under this Bill will be approximately two lakhs per year.

S. L. SHAKDHER,
Secretary.